

MUN Dedesignation Basin Plan Amendments

State Water Resources Control Board Hearing

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Outline

- Procedure
- Monitoring is insufficient
- LMUN designation is inadequate and circular
- Board cannot strip all uses from waters
- Board has failed to analyze groundwater impacts

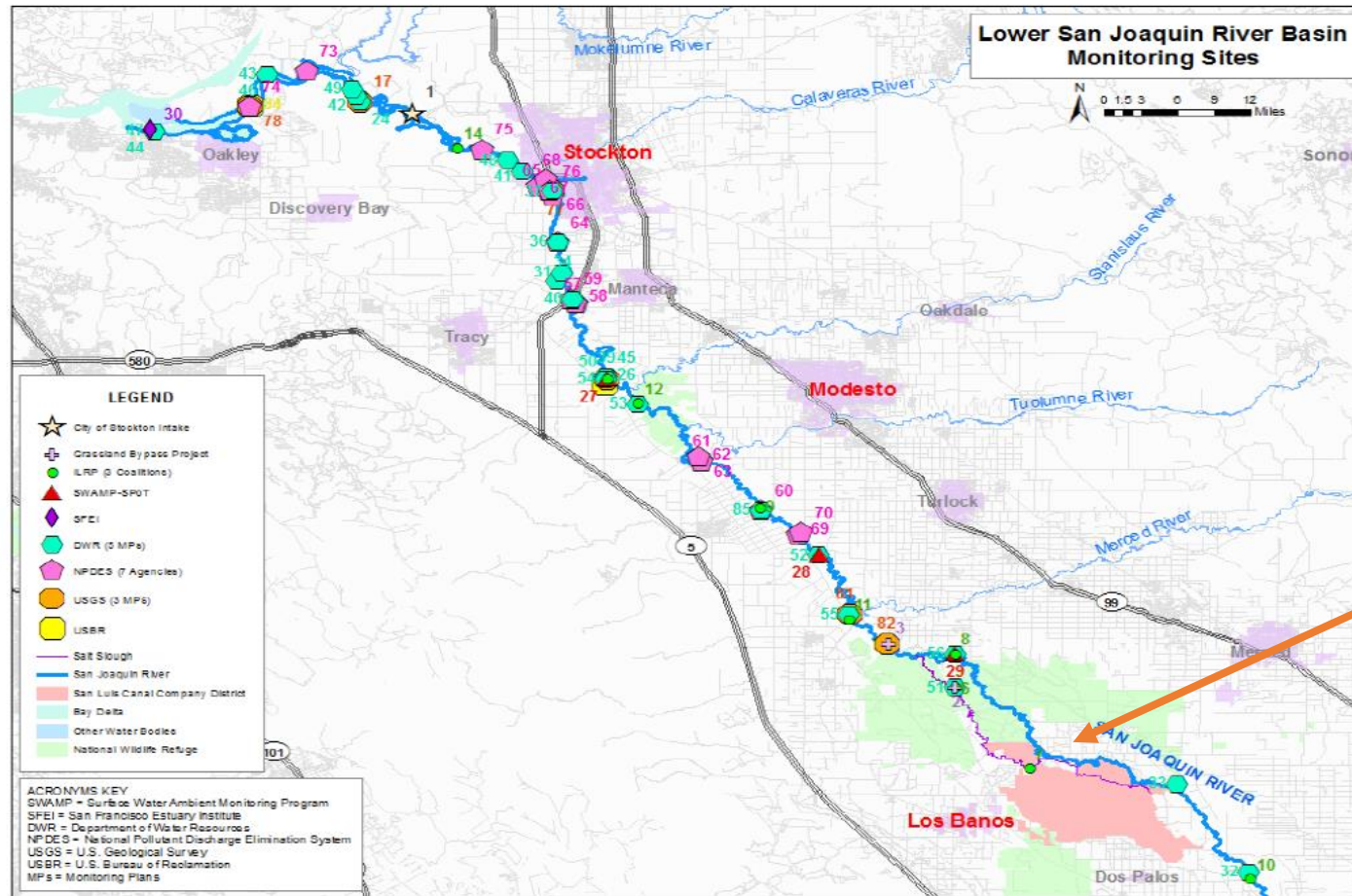
Procedure

- Water Code § 13245
 - State Board must approve or return Basin Plan Amendments
 - ELF recommends return to Central Valley Board

Monitoring

- Wrong Question:
 - “Discharge from such systems is monitored to assure compliance with all relevant water quality objectives....” Res. 88-63
 - Focus must be on meeting WQOs
 - “Unreasonable impacts” is the wrong legal standard
- East San Joaquin Order:
 - State Board could not find that surface water monitoring was sufficient and ordered an expert panel

Monitoring: Insufficient Density



Single monitoring site in
SLCC territory

Monitoring: Missing Constituents

- Salt Slough Site does not test for:
 - chloride, perchlorate, sodium, sulfate, total dissolved solids, aluminum, iron (total), manganese (total), mercury, alpha-BHC/alpha-HCH, bis (2-ethylhexyl) phthalate, trihalomethanes, DDE, DDT, diazinon, dimethoate, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, lindane, endosulfan (total), and toxaphene
- Downstream waters impaired for:
 - TDS, DDE, DDT, dimethoate, toxaphene, and alpha-BHC/alpha-HCH
- No data gaps?

LMUN Designation

- Dedesignation by any other name
- Reliance on Antidegradation Policy is circular
 - “High quality waters” requires reference to the WQO, which is the Antidegradation Policy itself

Removing all Uses

- 33 U.S.C. § 1313, subds. (a)(2), (a)(3), & (c)
 - Duty to establish water quality standards
 - Rescinding uses would leave the Central Valley Board “in violation of its obligation under the Clean Water Act to adopt water quality standards.” (*California Ass'n of Sanitation Agencies v. State Water Resources Control Bd.* (2012) 208 Cal.App.4th 1438, 1458.)
- C1 waters currently only have the MUN use pursuant to Policy 88-63
 - Dedicating these uses would leave these waters with no use
 - Violation of Clean Water Act
 - Protection is necessary for wildlife and for groundwater recharge
 - No current plan to evaluate dedesignated waters for wildlife uses

Groundwater Connection

- Failure to analyze
- Inadequate as SED for failure to analyze significant environmental effect

Thank You